

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION**

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IN RE:

Blossom Joyce Consingh,

Debtor.
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CASE NO.: 18-22558-rdd

CHAPTER 13

Hon: Robert D. Drain

Related Doc: 17

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

OCWEN LOAN SERVICING, LLC ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE #17), and states as follows:

1. Debtor, Blossom Joyce Consingh ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on April 18, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 85 PENNSYLVANIA AVE, MOUNT VERNON, NY 10552, by virtue of a Mortgage recorded on March 30, 2006 in Document Number 460790218 of the Public Records of Westchester County, NY. Said Mortgage secures a Note in the amount of \$356,750.00.
3. The Debtor filed a chapter 13 plan on August 22, 2018.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate and do not conform to Secured Creditor's timely-filed Proof of Claim. The correct pre-petition arrearage due Secured Creditor is \$215,829.44, whereas the Plan proposes to pay only \$200,000.00. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$215,829.44 as the pre-petition arrearage over the life of the plan.

5. The Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Dated: September 5, 2018

Robertson, Anschutz & Schneid, P.L.
Attorney for Secured Creditor
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
-and-
900 Merchants Concourse, Suite 310
Westbury, NY 11590
Telephone: 516-280-7675
Facsimile: 516-280-7674

By: /s/Kevin Toole
Kevin Toole, Esquire
Email: ktoole@rascrane.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 5, 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

BLOSSOM JOYCE CONSINGH
85 PENNSYLVANIA AVE
MT. VERNON, NY 10552-2419

KRISTA M. PREUSS
CHAPTER 13 STANDING TRUSTEE
399 KNOLLWOOD ROAD
WHITE PLAINS, NY 10603

U.S. TRUSTEE
OFFICE OF THE UNITED STATES TRUSTEE
U.S. FEDERAL OFFICE BUILDING
201 VARICK STREET, ROOM 1006
NEW YORK, NY 10014

Robertson, Anschutz & Schneid, P.L.
Attorney for Secured Creditor
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
-and-
900 Merchants Concourse, Suite 310
Westbury, NY 11590
Telephone: 516-280-7675
Facsimile: 516-280-7674

By: /s/Kevin Toole
Kevin Toole, Esquire
Email: ktoole@rascrane.com